



GENERAL SESSION

HAZARDOUS WASTE MANAGEMENT COMMISSION

June 16, 2004

1738 East Elm Street

Bennett Springs Conference Room

Jefferson City, MO 65102

COMMISSIONERS PRESENT

Ben Kessler, Chairman
Patrick Gleason, Vice-Chairman
Norella Huggins
Robert Saunders
Rusty Brown
Susan Williamson

CALL TO ORDER

Chairman Kessler called the meeting to order at 9:15 a.m.

EXECUTIVE SESSION

Motion to go into closed session was made by Commissioner Gleason and seconded by Commissioner Saunders. The roll call vote was as follows:

Ben Kessler, Chairman	yes
Patrick Gleason, Vice-Chairman	yes
Norella Huggins	yes
Robert Saunders	yes
Rusty Brown	yes
Susan Williamson	yes

Motion carried and the meeting was closed to the public.

Motion to return to General Session was made by Commissioner Gleason and seconded by Commissioner Huggins. The result of the vote is as follows:

Ben Kessler, Chairman	yes
Patrick Gleason, Vice-Chairman	yes
Norella Huggins	yes
Robert Saunders	yes
Rusty Brown	yes
Susan Williamson	yes

Motion was carried and the General Session was resumed.

INTRODUCTIONS

Ed Galbraith, Director, Hazardous Waste Program (HWP), introduced new or promoted HWP staff and Carol Eighmey, Executive Director, Petroleum Storage Tank Insurance Fund (PSTIF).

APPROVAL OF MINUTES

Motion to approve the minutes of the April 8, 2004, meeting as presented was made by Commissioner Gleason and seconded by Commissioner Huggins.

Motion was carried and the minutes were approved.

AUDIO RECORDING OF CLOSED SESSION

Motion to allow the Hazardous Waste Management Commission (HWMC) Secretary to make audio recordings of the Closed Session portion of the HWMC meetings was made by Commissioner Williamson and seconded by Commissioner Huggins.

Motion was carried and audio recording of the HWMC Closed Sessions by the HWMC Secretary was approved.

DRYCLEANING ENVIRONMENTAL RESPONSE TRUST (DERT) FUND PROPOSED NEW RULES 10CSR25-17.010 THROUGH 10 CSR 25-17.170 PUBLIC HEARING

HWMC Chairman Kessler called the Drycleaning Environmental Response Trust (DERT) Fund Proposed New Rules 10CSR25-17.010 through 10 CSR 25-170 Public Hearing to order. He encouraged those in attendance interested in commenting on the Proposed New Rules to fill out a Public Comment form, located on the sign in table, and to present their comment during the hearing.

Tim Eiken, Rule Coordinator, HWP, and Ken Koon, Brownfields/Voluntary Cleanup Program, (B/VCP) HWP, introduced and explained the DERT Fund Proposed New Rules 10CSR 25-17.010 through 10 CRS 25-17.170 and answered questions that the Commission had. They informed the Commission that a summary of all Public Comments regarding the rulemaking that are received by the postmarked date of June 25, 2004, will be presented to the Commission at the next HWMC meeting, August 5, 2004. At that time, the Missouri Department of Natural Resources will present a response, based on comments received, with a recommendation of either making text changes or adopting the proposed rule as written. Mr. Galbraith explained that the Commission would have the option, at that time, to either adopt the department's recommendation or to approve changes to the rules based on the comments received. The HWP will request that the Commission vote on adoption at the next meeting.

Chairman Kessler asked if there was anyone present who wanted to make a Public Comment; there were no Public Comments at this time.

Motion to close the Public Hearing was made by Commissioner Gleason and seconded by Commissioner Saunders.

Motion was carried and the Public Hearing was closed.

NOTE: There was a delay in the Presentation of Agenda Item Three so Agenda Item Four was moved up.

MISSOURI DEPARTMENT OF NATURAL RESOURCES RESPONSE TO PROPOSED FEDERAL RULEMAKING ON THE DEFINITION OF SOLID WASTE

Kathy Flippin, Enforcement Acting Section Chief, HWP gave an update and answered questions on the Missouri Department of Natural Resources Response to Proposed Federal Rulemaking on the Definition of Solid Waste and the department's interest in promoting legitimate recycling. Ms. Flippin informed the Commission of a Recycling Task Force that has been watching the components of this rule and offering comments through the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) who are also actively interested in the proposed rulemaking on the definition of solid waste. Ms. Flippin gave a brief history on the origin of the proposed federal rulemaking on the definition of solid waste, pointing out the involvement of the United States Environmental Protection Agency (USEPA). Ms. Flippin presented a comparison of departmental areas of disagreement with the proposed rulemaking and areas where the department was in support of the existing structure already in place. She informed the Commission that the department presented comments to the rule to the USEPA on February 13, 2004. Ms. Flippin told the Commission that the USEPA agreed to continue to meet with the states to resolve some of the comments received

VOLUNTARY CLEANUP UPDATE

Chris Cady, B/VCP explained the B/VCP to the Commission and answered questions the Commissioners had. Using a power point presentation, Mr. Cady showed before and after pictures of sites completed in the B/VCP, emphasizing progress and improvements achieved. Mr. Cady explained the exclusion of certain sites from the B/VCP, pointing out specifically: Emergency Response Sites, Superfund Sites, Permitted Hazardous Waste Facilities, Enforcement Action Sites, and PSTIF Sites.

COMMISSION ISSUES UPDATES/MONTHLY REPORTS

Ed Galbraith, Director, HWP, asked for comments or questions from the Commission regarding the new Monthly Report format. Commissioner Huggins praised the graphics of the new format.

Commissioner Huggins gave an update on the Commissioner Core Work Group, explaining in detail the final Board and Commission Operating Policies and its purpose. She told the Commission that the Regulatory Impact Report (RIR) would be modified, in light of legislation. Commissioner Huggins informed the Commission that the Procedural Rules for the Administrative Hearing Commission would be sent out after finalization to all department Commissions.

Ed Galbraith, Director, HWP, suggested that the HWP work with Shelley Woods, Attorney Generals Office (AGO), to draft a Hazardous Waste Management Commission specific policy following the guidelines found in the Board and Commission Operating Policies and present it to the Commission at the August 5, 2004, HWMC meeting with a final draft to be completed at that meeting.

The Commissioners discussed rotation of the HWMC Chair. Shelley Woods, AGO, said that the Commission had the choice either to vote on the Chair, as has been done in the past, or to rotate the position. She added that she did want to check the policy verses rule issue regarding the appointment of the HWMC Chairman. Ed Galbraith agreed to contact other program directors and asked Shelley Woods to contact other staff attorneys to see how these programs selected

Commission Chairmen. It was decided that the results would be discussed at the August 5, 2004, Commission Meeting.

LEGISLATIVE AND BUDGET ISSUES

Ed Galbraith, Director, HWP, discussed Senate Bill 1040 and Senate Bill 901. He informed the Commission that the bill signing for these bills was scheduled for June 22, 2004, 9:30 a.m. at the Chain of Rocks Bridge.

PUBLIC INQUIRIES OR ISSUES

Norb Plassmeyer, Associated Industries of Missouri, praised Commissioner Huggins and thanked her for all the work she has put into legislative issues.

OTHER BUSINESS

There was no other business at this time.

FUTURE MEETINGS

The August 5, 2004, meeting was discussed clarifying that it was to be held at 7:00 p.m. in the Bennett Springs Conference Room. The October 5, 2004, meeting was discussed and said to be flexible since an invitation has not been received for the annual reception by the Kansas City Chamber of Commerce Environment Committee. Ed Galbraith, Director, HWP, suggested that the Commission plan to attend the reception at least every other year.

ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Williamson and seconded by Commissioner Saunders.

Motion was carried and the meeting was adjourned.

Respectfully Submitted,

Robbin Stout
Commission Secretary

APPROVED

Ben Kessler, Chairman

Date: _____